IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Bill
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Title : DISTRIBUTING PERSONALIZED CONTENT

Art Unit : 2665
Examiner : Man Phan

BOX AF
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE OF NON-COMPLIANCE AND REVISED APPEAL BRIEF

In response to the Notice of Non-Compliance mailed September 14, 2004, a revised Appeal Brief has been resubmitted in accordance with the issues raised. The Notice stated that

(1) The brief did not contain a statement of the status of all claims or does not identify the appealed claims. This statement appears in section 3.

(2) The claims and arguments appearing in this Appeal Brief reflect the claims of record prior to the amendment after the Final Office Action. The section appears in the Appendix.

(3) The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, and 1.132 or of other evidence entered by the Examiner and relied upon by appellant in the appeal. These sections have been added to the appendix.

(4) The summary of claims subject matter fails to identify and map each independent claim to the specification by page and line number and to the drawings, if any. Section 5 has been revised responsive to this concern.

(5) The brief does not contain all of the appropriate headings as required by 37 CF 41.37.

In response to the Response to Notification of Non-Compliant Appeal Brief, Applicant submits herewith a revised Appeal Brief in compliance with the requirements of 37 CFR § 41.37.

(1) Real Party in Interest

America Online, Inc., the assignee of this application, is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1-3, 6-9, 12-15 and 18-92 are pending in this application, with claims 1, 24, 27, 36, 54, 72, 79, and 86 being independent. The rejection of claims 1-3, 6-9, 12-15 and 18-92 is being appealed.

(4) Status of Amendments

The amendment filed on July 3, 2003 was not entered. The claims appearing in Appendix A reflect the claims of record prior to the amendment after the Final Office Action.

(5) Grounds of Rejection

Claims 1, 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3, 6-9, 12-15, and 18-71 stand rejected under 35 U.S.C. 103(a) as being obvious over Chaddha (U.S. Patent No. 6,345,293) in view of Reed et al. (U.S. Patent No. 6,041,239).

Claims 72-92 are rejected under 35. U.S.C. 103(a) as being obvious over Chaddha in view of Reed as applied to the claims above and further in view of Logan et al. (U.S. Patent No. 5,721,827).

(6) Summary of Claimed Subject Matter

Claims 1, 24, 36, and 54 recite a method and systems that determine a score for one of a set of content elements in a pool. Page 13, lines 1-4; Fig. 1. The score is responsive to a predicted interest in the one content element by an individual recipient. Page 11, lines 6-9. The score is compared with a selected threshold. Page 13, lines 1-4. As a result, a system chooses whether to distribute the one content element to the individual recipient, in response to the comparing. Page 14, lines 8-10.

Claim 27 recites a system including a plurality of scores for content elements in a set of content elements in a pool, the scores being responsive to a predicted interest by an individual recipient of the one content element to a recipient. Page 12, lines 1-3; page 13 lines 1-4; Fig. 1. The system includes a result of comparing the scores with a selected threshold (page 14, lines 1-

4) and an adjusted threshold, the adjusted threshold being in response to the result for comparing. Page 11, lines 11-17; page 14, lines 12-14. The system also includes a communication path disposed for coupling the one content element to the individual recipient, in response to the result of comparing (page 14, lines 8-10) and a selected one of the content elements, the selected one being in response to the scores and the adjusted threshold. Page 14, lines 16-19.

Claim 29 recites a system that includes a plurality of scores for content elements in a set of content elements in a pool, the scores being responsive to a predicted interest by an individual recipient of the one content element to a recipient. Page 12, lines 1-3; page 13 lines 1-4; Fig. 1. A result compares the scores with a selected threshold. Page 11, lines 11-17. The threshold may be adjusted in response to comparing the scores with the selected threshold. Page 14, lines 16-19; page 13, lines 6-9. The system includes a corresponding set of results that compares the plurality of scores with adjusted threshold. The system also includes a communication path disposed for coupling the one content element to the individual recipient, in response to the result of comparing (page 14, lines 8-10) and a selected one of the content elements, the selected one being in response to the result of comparing. Page 14, lines 16-19.

Claims 72, 79, and 86 recite a method and systems for determining a score for more than one of several different content elements in a pool of content elements. Page 12, lines 1-3, page 13, lines 1-4; Fig. 1. The scores are responsive to a predicted interest in the different content elements by an individual recipient. Page 11, lines 19-21. The score is compared with a selected threshold. Page 13, lines 1-4. A plurality of content elements in the pool are noted, each having an associated score, in response to the comparing. Page 14, lines 21-page 15, line 4. One of the plurality in response to the scores is selected. Page 15, lines 6-7. A choice deciding whether to distribute at least one of the one content elements to the individual recipient is made in response. Page 21, lines 4-7.

(6) Grounds of Rejection

Are claims 1, 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 indefinite for failing to distinctly and particularly point out the subject matter that is claimed?

Is the subject matter of claims 1-3, 6-9, 12-15 and 18-71 obvious over Chaddha '293 in view of Reed '239?

Is the subject matter of claims 72-92 obvious over Chaddha '293 in view of Reed '239 and Logan '827?

(7) Argument

Claims 1, 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 are not indefinite under 35 U.S.C. 112, 2nd Paragraph. They distinctly and particularly point out the subject matter that is claimed.

Claims 1, 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite for three reasons. See Final Office Action paragraphs 11-14. First, the Final Office Action states the claims are a statement of desired results. Second, the Final Office Action states that a lack of interaction exists between the elements, particularly referencing content, score, pool and predicted interest. Third, the Final Office Action states that it is not clear what the selected threshold process is. Each point is addressed below.

Addressing the first and second points in reverse order, there is an interaction between the elements and the claims are not a statement of desired results. Specifically, claim 1 recites a method to choose whether to distribute a content element. In that claimed method, three steps are recited. A score is determined based on a predicted interest level by an individual in a content element; the determined score is then compared with a threshold; and the comparison is used as a basis for determining whether to distribute the content element to an individual. Clearly, there exists interaction among these elements - the score determined by the first step being used as a basis for comparison in the second step and the comparison made in the second step being used as a basis for the determination in the third step.

As for desired results, this rejection does not appear to be properly grounded in 35 U.S.C. §112, 2nd paragraph. The standard for being indefinite is whether the scope of the claim is ascertainable. The breadth of the claim is not to be equated with indefiniteness. See In re Miller, 169 U.S.P.Q. 597, 441 F.2d 689 (C.C.P.A. 1971). See also MPEP 2173.04. Because the scope of the claims is believed to be ascertainable, and because an accusation of desired results alone does not seem to discount the existence of the steps recited by these claims (some of which being discussed above), the reversal of the rejection of the claims is requested.

Claims 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 are similar in structure to claim 1 for the purposes of the rejection in paragraphs 11 and 14, and the reversal of the rejection is similarly requested.

As to the third reason for this rejection, that the "selected threshold" process is not clear, Applicant again submits that this term meets the burden of 112, second paragraph, by conveying an ascertainable scope. Applicant submits that the scope of the term "selected threshold" is ascertainable for the purposes of analyzing the claim and serving the notice function. Additionally, for purposes of addressing comments made in the Final Office Action thoroughly, Applicant notes that the term "selected threshold" is not a process for the purposes of claim 1; rather, the threshold is an object that is compared with a score responsive to a predicted interest by an individual recipient. Claims 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 are similar in structure to claim 1. Accordingly, the reversal of the rejection of claims 1, 24, 27, 29, 36, 43, 44, 54, 61, 62, 72, 77, 79, 84, 86, and 91 is requested.

The subject matter of claims 1-3, 6-9, 12-15, and 18-71 would not have been obvious over Chaddha '293 in view of Reed '239.

Claims 1-3, 6-9, 12-15, 18-23, 24-32, 33, 34, 35, 36-53, and 54-71 are rejected as being obvious over Chaddha '293 in view of Reed '239. For the reasons set forth below, the reversal of the rejection of Claims 1-3, 6-9, 12-15, and 18-71 is requested.

In Claim 1, one of several content elements is given a score based on a recipient's predicted interest level in the content element, and then, based on a comparison of the score to a threshold, a decision is made concerning whether to distribute the content element(s). Moreover, claim 1 recites deciding whether to distribute a content element based on a comparison between a threshold and a score that reflects the predicted interest of an individual recipient in the content element.

Chaddha fails to disclose at least this aspect of claim 1, as acknowledged by the Office Action, which turns to Reed for such disclosure. See Final Office Action page 7. "Chaddha does not expressly disclose the step of determining a score for one of a set of content elements in a pool." Applicant submits that Reed is similarly deficient.

Reed scores a geographic region that is not intended or available for distribution, and consequently, Reed fails to decide whether to distribute that which is being scored - the region. More explicitly, Reed assigns scores to regions as a basis for distributing a load among those regions. Thus, in effect, Reed controls a relative allocation for each of several regions based on scores assigned to those regions, without consideration of whether or what scores are determined for items being allocated for the regions. Thus, Reed controls distribution using a process that scores potential destinations for items to be distributed that is different from the claimed process, which claimed process involves deciding whether to distribute items (e.g., content elements) for which scores are determined.

For the purpose of this rejection, the other rejected independent claims recite elements consistent with those of claim 1. Accordingly, Applicant requests the reversal of the rejection of independent claims 1, 24, 27, 29, 36, and 54. Similarly, Applicant requests the reversal of the rejection of dependent claims 2-3, 6-9, 12-15, 18-23, 25-26, 28, 30-35, 37-53, and 55-71, which depend therefrom.

The subject matter of claims 72-92 would not have been obvious over Chaddha '293 in view of Reed '239, and further in view of Logan '827.

Claims 72-92 are rejected as obvious over Chaddha '293 in view of Reed '239, and further in view of Logan '827. For at least the reasons set forth below, the reversal of the rejection of claims 72-92 is requested.

The rejected claims recite a personalized scoring system that is used to distribute content to an individual recipient. Specifically, claim 72 recites a method for scoring multiple different content elements for distribution, where the score is responsive to a predicted interest in each of the content elements by an individual recipient.

Neither of Chaddha nor Reed are relied upon for disclosing this limitation. Rather, the Final Office Action turns to Logan. However, in contrast to the claimed limitation mentioned above in which the score relates to the predicted interest of an individual recipient, the cited portion of Logan creates a library of programs that is independent of the intended user. Specifically, Logan indicates that programs may be organized into genres of movies. Logan's "score" does not vary with the identity of the user. Thus, any such categorization in a library in

Logan does not score a content element in a manner responsive to a predicted interest in the content element by an individual recipient, as recited by rejected claim 72.

The difference is significant for various reasons, and in various contexts. For instance, the invention of claim 72 can be used to select content that is personalized to a user using a small portion of a larger library. Additionally, the method of claim 72 may be modified in a flexible manner to generate personalized content elements with minimal additional processing required. For example, the score may be recalculated, the threshold may be adjusted, and/or the operations may be repeated until a content element is selected.

For the reasons mentioned above with respect to claims 1-3, 6-9, 12-15, 18-23, 24-32, 33, 34, 35, 36-53, and 54-71, neither Chaddha nor Reed describes determining a score for more than one of several different content elements in a pool of content elements. Accordingly, claim 72 and claims 73-78, which depend therefrom, should be allowed. Claims 79-85 are system claims related to the method claims 72-78. Claims 86-91 are program claims related to the method claims 72-78. Accordingly, the reversal of the rejection of claims 72-92 is requested.

No New Issues Are Presented on Appeal

No new issues are presented on appeal. All issues argued in this appeal were previously raised in Appellant's Response to the Final Office Action filed on July 3, 2003. With respect to the rejections made under 35 U.S.C. 103(a), no new issues are presented because the Response to the Final Office Action stated that the rejected claims incorporated all of the features of the independent claims from which they depend, as well as cited other additional features, as described above, which distinguish over the cited references.

Conclusion

For the foregoing reasons, the rejections should be reversed. No fee is believed due at this time. However, if any fee is in fact due, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Appendix of Claims

1. A method comprising:

determining a score for one of a set of content elements in a pool, said score being responsive to a predicted interest in said one content element by an individual recipient;

comparing said score with a selected threshold; and

choosing whether to distribute said one content element to said individual recipient, in response to said comparing.

2. A method as in claim 1 further comprising adjusting said selected threshold in response to comparing.

3. A method as in claim 1 further comprising adjusting said selected threshold in response to said individual recipient.

4. (Cancelled) A method as in claim 1, including steps for

adjusting said threshold in response to said steps for comparing;

noting a plurality of content elements in said pool, each having an associated score, in response to said steps for adjusting;

selecting one of said plurality in response to said scores.

5. (Cancelled) A method as in claim 1, including steps for

noting a plurality of content elements in said pool, each having an associated score, in response to said step of comparing;

selecting one of said plurality in response to said scores.

6. A method as in claim 1, wherein a number of said individual recipients is substantially greater than a number of content elements in said pool.

7. A method as in claim 1 further comprising:

repeating said determining and comparing, for a plurality of content elements in said pool; and

selecting one of said plurality in response to said scores.

8. A method as in claim 7 further comprising adjusting said selected threshold in response to said comparing.

9. A method as in claim 7 further comprising adjusting said selected threshold in response to said individual recipient.

10. (Cancelled) A method as in claim 7, including steps for:

adjusting said selected threshold in response to said steps for comparing;

noting a plurality of content elements in said pool, each having an associated score, in response to said steps for adjusting;

selecting one of said plurality in response to said scores.

11. (Cancelled) A method as in claim 7, including steps for:

noting a plurality of content elements in said pool, each having an associated score, in response to said step of comparing;

selecting one of said plurality in response to said scores.

12. A method as in claim 7 wherein said selecting is responsive to said selected threshold.

13. A method as in claim 1 repeating said further comprising repeating said determining, comparing, and choosing, until a selected condition.

14. A method as in claim 13 further comprising adjusting said selected threshold in response to said comparing.

15. A method as in claim 13 further comprising adjusting said selected threshold in response to said individual recipient.

16. (Cancelled) A method as in claim 13, including steps for

adjusting said selected threshold in response to said steps for comparing;

noting a plurality of content elements in said pool, each having an associated score, in response to said steps for adjusting;

selecting one of said plurality in response to said scores.

17. (Cancelled) A method as in claim 13, including steps for

noting a plurality of content elements in said pool, each having an associated score, in response to said step of comparing;

selecting one of said plurality in response to said scores.

18. A method as in claim 13 wherein said selected condition is responsive to a number of times said determining is performed.

19. A method as in claim 13, wherein said selected condition is that at least one content element in said pool is chosen for distribution.

20. A method as in claim 34 further comprising selecting a new pool that differs from said pool.

21. A method as in claim 20 wherein said selecting said new pool includes replacing said pool entirely.

22. A method as in claim 20, wherein said steps for selecting said new pool include steps for:

selecting an individual content element for addition to said pool; and

selecting an individual content element for removal from said pool.

23. A method as in claim 20 wherein said selecting said new pool are selected based on timing information.

24. A system including:

a score for one of a set of content elements in a pool, said score being responsive to a predicted interest by an individual recipient of said one content element to a recipient;

a result of comparing said score with a selected threshold; and

a communication path disposed for coupling said one content element to said individual recipient, in response to said result of comparing.

25. A system as in claim 24, including an adjusted threshold, said adjusted threshold being in response to said result of comparing.

26. A system as in claim 24, including an adjusted threshold, said adjusted threshold being in response to said individual recipient.

27. A system including:

a plurality of scores for content elements in a set of content elements in a pool, said scores being responsive to a predicted interest by an individual recipient of said one content element to a recipient;

a result of comparing said scores with a selected threshold;

an adjusted threshold, said adjusted threshold being in response to said result for comparing;

a communication path disposed for coupling said one content element to said individual recipient, in response to said result of comparing; and

a selected one of said content elements, said selected one being in response to said scores and said adjusted threshold.

28. A system as in claim 24, wherein a number of said individual recipients is substantially greater than a number of content elements in said pool.

29. A system including:

a plurality of scores for content elements in a set of content elements in a pool, said scores being responsive to a predicted interest by an individual recipient of said one content element to a recipient;

a result of comparing said scores with a selected threshold; and

an adjusted threshold, said adjusted threshold being in response to said result for comparing;

an adjusted threshold, said adjusted threshold being in response to said result for comparing;

a corresponding set of results of comparing said plurality of scores with said adjusted threshold;

a communication path disposed for coupling said one content element to said individual recipient, in response to said result of comparing; and

a selected one of said content elements, said selected one being responsive to said set of results of comparing.

30. A system as in claim 35 including a new pool that differs from said pool.

31. A system in claim 30 wherein said new pool is in response to replacing said pool entirely.

32. A methods as in claim 30, wherein said new pool includes an individual content element added to said pool, and excludes an individual content element removed from said pool.

33. A method as in claim 20 wherein content elements in said new pool are selected based on timing information.

34. A method as in claim 1 further comprising selecting a pool of content elements from said set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

35. A method as in claim 24 further comprising a pool of content elements selected from said set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

36. A system including:

means for determining a score for one of a set of said content elements in a pool, said score being responsive to a predicted interest in said one content element by an individual recipient;

means for comparing said score with a selected threshold; and

means for choosing whether to distribute said one content element to said individual recipient, in response to said comparing.

37. A system as in claim 36 further comprising means for adjusting said selected threshold in response to comparing.

38. A system as in claim 36 further comprising means for adjusting said selected threshold in response to said individual recipient.

39. A system as in claim 36 wherein a number of said individual recipients is substantially greater than a number of content elements in said pool.

40. A system as in claim 36 further comprising:

means for repeating said determining and comparing, for a plurality of content elements in said pool; and

means for selecting one of said plurality in response to said scores.

41. A system as in claim 40 further comprising means for adjusting said selected threshold in response to said comparing.

42. A system as in claim 40 further comprising means for adjusting said selected threshold in response to said individual recipient.

43. A system as in claim 40 wherein said means for selecting selects responsive to said selected threshold.

44. A system as in claim 36 further comprising means for repeating said determining, comparing, and choosing, until a selected condition.

45. A system as in claim 44 further comprising means for adjusting said selected threshold in response to said comparing.

46. A system as in claim 44 further comprising means for adjusting said selected threshold in response to said individual recipient.

47. A system as in claim 44 wherein said selected condition is responsive to a number of times said determining is performed.

48. A system as in claim 44 wherein said selected condition is that at least one content element in said pool is chosen for distribution.

49. A system as in claim 36 further comprising means for selecting a pool of content elements from said set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

50. A system as in claim 49 further comprises means for selecting a new said pool that differs from said pool that differs from said pool.

51. A system as in claim 50 wherein said means for selecting said new pool includes means for replacing said pool entirely.

52. A system as in claim 50 wherein said means for selecting said new pool includes:
means for selecting an individual content element for addition to said pool; and
means for selecting an individual content element for removal from said pool.

53. A system as in claim 50 wherein said means for selecting said new pool include means for selected based on timing information.

54. A computer program comprising:
a scoring code segment structured and arranged to determine a score for one of a set of content elements in a pool, a score being responsive to a predicted interest in said one content element an individual recipient;
a comparing code segment structured and arranged to compare said score with a selected threshold; and
a decision code segment structured and arranged to choose whether to distribute said one content element to said individual recipient, in response to said comparing.

55. A computer program as in claim 54 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to comparing.

56. A computer program as in claim 54 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said individual recipient.

57. A computer program as in claim 54 wherein a number of said individual recipients is substantially greater than a number of content elements in said pool.

58. A computer program as in claim 54 further comprising:

a repeating code segment structured and arranged to repeat said determining and comparing, for a plurality of content elements in said pool; and

a selecting code segment structured and arranged to select one of said plurality in response to said scores.

59. A computer program as in claim 58 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said comparing.

60. A computer program as in claim 58 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said individual recipient.

61. A computer program as in claim 58 wherein said selecting code segment selects responsive to said selected threshold.

62. A computer program as in claim 54 further comprising a repeating code segment structured and arranged to repeat said determining, comparing, and choosing, until a selected condition.

63. A computer program as in claim 62 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said comparing.

64. A computer program as in claim 62 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said individual recipient.

65. A computer program as in claim 62 wherein said selected condition selects responsive to a number of times said determining is performed.

66. A computer program as in claim 62 wherein said selected condition is that at least one content element in said pool is chosen for distribution.

67. A computer program as in claim 54 further comprising a selecting code segment structured and arranged to select a pool of content elements from said set of control elements, said pool having a plurality of content elements, but less than all of said set of content elements.

68. A computer program as in claim 67 further comprising a second selecting code segment structured and arranged to select a new said pool that differs from said pool.

69. A computer program as in claim 68 wherein said second selecting code segment includes a code segment for replacing the said pool entirely.

70. A computer program as in claim 67 wherein said second selecting code segment is structured and arranged to:

select an individual content element for addition to said pool; and

select an individual content element for removal from said pool.

71. A computer program as in claim 68 wherein said selecting code segment is selected based on timing information.

72. A method comprising:

determining a score for more than one of several different content elements in a pool of content elements, said scores being responsive to a predicted interest in said different content elements by an individual recipient;

comparing said scores with a selected threshold;

noting a plurality of content elements in said pool, each having an associated score, in response to said comparing;

selecting one of said plurality in response to said scores; and

choosing whether to distribute at least one of said one content elements to said individual recipient, in response to said comparing.

73. The method of claim 72 further comprising adjusting said selected threshold in response to said comparing.

74. The method of claim 72 further comprising selecting said pool of content elements from a set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

75. A method as in claim 72 further comprising repeating said determining and comparing, for a plurality of content elements in said pool.

76. The method of claim 75 further comprising:

adjusting said selected threshold in response to said comparing; and

noting a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

77. A method as in claim 75 further comprising repeating said choosing until a selected condition is satisfied.

78. The method of claim 77 further comprising:

adjusting said selected threshold in response to said comparing; and

noting a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

79. A system comprising:

means for determining a score for more than one of several different content elements in a pool of content elements, said scores being responsive to a predicted interest in said different content element by an individual recipient;

means for comparing said scores with a selected threshold;

means for noting a plurality of content elements in said pool, each having an associated score, in response to said comparing;

means for selecting one of said plurality in response to said scores; and

means for choosing whether to distribute at least one of said content elements to said individual recipient, in response to said comparing.

80. The system of claim 79 further comprising means for adjusting said selected threshold in response to said comparing.

81. The system of claim 79 further comprising means for selecting said pool of content elements from a set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

82. A system as in claim 79 further comprising means for repeating said determining and comparing, for a plurality of content elements in said pool.

83. The system of claim 82 further comprising:

means for adjusting said selected threshold in response to said comparing; and

means for noting a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

84. A system as in claim 82 further comprising means for repeating said choosing until a selected condition is satisfied.

85. The system of claim 84 further comprising:

means for adjusting said selected threshold in response to said comparing; and

means for noting a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

86. A computer program for choosing whether to distribute one content element, the computer program being stored on a computer readable medium and comprising:

a scoring code segment structured and arranged to determine a score for more than one of several different content elements in a pool of content elements, said scores being responsive to a predicted interest in said different content elements by an individual recipient;

a comparing code segment structured and arranged to compare said scores with a selected threshold;

a noting code segment structured and arranged to note a plurality of content elements in said pool, each having an associated score, in response to said comparing;

a selecting code segment structured and arranged to selecting one of said plurality in response to said scores; and

a decision code segment structured and arranged to choose whether to distribute at least one of said content elements to said individual recipient, in response to said comparing.

87. The computer program of claim 86 further comprising an adjusting code segment structured and arranged to adjust said selected threshold in response to said comparing.

88. The computer program of claim 86 further comprising means for selecting said pool of content elements from a set of content elements, said pool having a plurality of content elements but less than all of said set of content elements.

89. The computer program as in claim 86 further comprising a repeating code segment structured and arrange to repeat said determining and comparing, for a plurality of content elements in said pool.

90. The computer program of claim 89 further comprising:

an adjusting code segment structured and arranged to adjust said selected threshold in response to said comparing; and

a noting code segment structured and arranged to note a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

91. The computer program of claim 89 further comprising a repeating code segment structured and arranged to repeat said choosing until a selected condition is satisfied.

92. The system of claim 91 further comprising:

an adjusting code segment structured and arranged to adjust said selected threshold in response to said comparing; and

a noting code segment structured and arranged to note a plurality of content elements in said pool, each having an associated score, in response to said adjusting.

Appendix of Evidence

No evidence is being submitted under 37 CFR 1.130, 1.131, and 1.132.

Appendix of Related Proceedings

There are no related proceedings.